

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JACOB FASSOTH, on behalf of himself
and all others similarly situated,

CLASS ACTION COMPLAINT

Plaintiff,

v.

Civil Action No.

ACCOUNTS RECOVERY BUREAU, INC.

JURY TRIAL DEMANDED

Defendant.

CLASS ACTION COMPLAINT

I. INTRODUCTION

1. This action is brought by Plaintiff Jacob Fassoth, on behalf of himself and all others similarly situated, for statutory damages against Defendant Accounts Recovery Bureau, Inc. for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 *et seq.* (hereinafter referred to as "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331. Venue is proper in this district as all relevant events took place here.

III. PARTIES

3. Plaintiff Jacob Fassoth is an individual who resides in Park Forest, Illinois.

4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

5. Defendant Accounts Recovery Bureau, Inc. ("ARB") is a debt collection agency organized under the laws of the State of Pennsylvania located in Wyomissing, Pennsylvania.

6. ARB is engaged in the collection of debts from Illinois consumers using the mail and telephone.

7. ARB regularly attempts to collect consumer debts alleged to be due to another.

8. ARB is licensed by the State of Illinois as a collection agency, License Number 017020982.

9. ARB was and is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

10. Mr. Fassoth was injured while working. He received medical treatment for his injury at the medical facility St. Margaret Mercy.

11. On or about April 25, 2009, Mr. Fassoth incurred an alleged debt to St. Margaret Mercy for personal, family, or household purposes, *e.g.*, personal medical services and/or treatment (hereinafter referred to as "the Debt").

12. Mr. Fassoth did not pay the Debt because it was covered by his employer's workers' compensation insurance.

13. St. Margaret Mercy Hospital referred, assigned, or otherwise provided the Debt to ARB to attempt to collect it.

14. ARB obtained the Debt from St. Margaret Mercy Hospital after the Debt entered default.

15. By correspondence dated September 12, 2009, ARB arranged for the preparation

and transmittal of a letter to Mr. Fassoth at his residence in an attempt to collect the Debt. ARB's September 12, 2009, letter to Mr. Fassoth is attached hereto as Exhibit A.

16. Exhibit A states: "NOTICE OF COLLECTION AGENCY PLACEMENT."

17. Exhibit A does not state that it is an attempt to collect a debt or that any information obtained will be used for that purpose.

18. Exhibit A does not contain the disclosure required by 15 U.S.C. § 1692e(11).

V. DEFENDANT'S POLICIES AND PRACTICES

19. It is the standard policy and practice of ARB to use false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. §§ 1692e and e(10).

20. It is the standard policy and practice of ARB to fail to disclose in its initial communication with the consumer that the communication is an attempt to collect a debt and that any information obtained will be used for that purpose, in violation of 15 U.S.C. § 1692e(11).

VI. CLASS ALLEGATIONS

21. This action is brought as a class action. Plaintiff defines the class as (i) all persons with addresses within the state of Illinois (ii) who were sent a letter from Accounts Recovery Bureau, Inc. in the form Exhibit A (iii) to recover a debt allegedly owed to St. Margaret Mercy (iv) incurred for personal, family, or household purposes (v) which was not returned undelivered by the United States Postal Service (vi) during the period of time one-year prior to the filing of this Complaint through the date of class certification.

22. The class is so numerous that joinder of all members is impractical.

23. More than 50 persons within the state of Illinois were sent a letter by Accounts

Recovery Bureau, Inc. in the form of Exhibit A to recover a debt allegedly owed to St. Margaret Mercy incurred for personal, family, or household purposes during the period of time one-year prior to the filing of this Complaint.

24. There are questions of law and fact common to the class, which predominate over any questions affecting only individual class members. The principal issue is whether ARB violated the FDCPA by:

- A. using false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. §§ 1692e and e(10); and
- B. fail to disclose in the initial communication that the communication is an attempt to collect a debt and that any information obtained will be used for that purpose, in violation of 15 U.S.C. § 1692e(11).

25. There are no individual questions, other than whether a class member was sent a letter in the form of Exhibit A, which can be determined by ministerial inspection of Defendant's records.

26. Plaintiff will fairly and adequately protect the interests of the class.

27. Plaintiff has retained counsel experienced in handling class claims and claims involving unlawful collection practices.

28. The questions of law and fact common to the class predominate over any issues involving only individual class members. The principal issue is whether Defendant's letter in the form of Exhibit A violates the FDCPA, 15 U.S.C. § 1692 *et seq.*

29. Plaintiff's claims are typical of the claims of the class, which all arise from the same operative facts and are based on the same legal theories.

30. A class action is a superior method for the fair and efficient adjudication

of this controversy. Class-wide damages are essential to induce Defendant to comply with Federal law. The interest of class members in individually controlling the prosecution of separate claims against Defendant is small because the maximum statutory damages in an individual FDCPA action are \$1,000.00. Management of these class claims are likely to present significantly fewer difficulties than those presented in many class actions, e.g., for securities fraud.

VII. COUNT ONE – FAIR DEBT COLLECTION PRACTICES ACT

31. Plaintiff repeats, realleges, and incorporates by reference the foregoing paragraphs.

32. Defendant's violations of the FDCPA include, but are not limited to:

- A. using false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. §§ 1692e and e(10); and
- B. fail to disclose in the initial communication that the communication is an attempt to collect a debt and that any information obtained will be used for that purpose, in violation of 15 U.S.C. § 1692e(11).

33. As a result of Defendant's violations of the FDCPA, Plaintiff and the class members are entitled to an award of statutory damages, costs and reasonable attorney fees.

VIII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff Jacob Fassoth requests that judgment be entered in his favor and in favor of the class against Defendant Accounts Recovery Bureau, Inc. for:

- A. Certification of this matter as a class action;
- B. Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(B);
- C. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k(a)(3);

and

D. For such other relief as the Court may find to be just and proper.

IX. JURY DEMAND

Plaintiff Jacob Fassoth hereby demands that this case be tried before a Jury.

s/ Craig M. Shapiro
Craig M. Shapiro
O. Randolph Bragg
HORWITZ, HORWITZ & ASSOCIATES, LTD..
25 East Washington Street Suite 900
Chicago, Illinois 60602
(312) 372-8822
(312) 372-1673 (Facsimile)

ATTORNEYS FOR PLAINTIFF JACOB FASSOTH

EXHIBIT A



ACCOUNTS RECOVERY BUREAU, INC.

P.O. Box 6768 • Wyomissing, Pa. 19610-0768

September 12, 2009

CREDITOR: ST MARGARET MERCY
 PATIENT: Jacob L Fassoth

ACCOUNT #	BALANCE	DATE OF SERVICE
0209069872	\$376.55	04/25/09

NOTICE OF COLLECTION AGENCY PLACEMENT

ST MARGARET MERCY HAS FORWARDED YOUR ACCOUNT
 TO ACCOUNTS RECOVERY BUREAU, INC. FOR COLLECTION.
 CONTACT US TOLL FREE AT 1-888-378-0352.
 MONDAY THROUGH FRIDAY, 8AM TO 6PM CST

SI HABLAS ESPANOL LLAMA AL NUMERO 1-888-378-0356

PLEASE CONTACT OUR OFFICE IF YOU ARE IN NEED OF FINANCIAL ASSISTANCE.
 AN ITEMIZED BILL IS AVAILABLE UPON REQUEST.
 VISIT OUR WEBSITE AT CBO.SSFHS.ORG

THE IMPORTANT RIGHTS INCLUDED BELOW APPLY TO EACH ACCOUNT INDIVIDUALLY AND YOU HAVE THE
 RIGHT TO DISPUTE ANY OR ALL THE ACCOUNTS INCLUDED IN THIS NOTICE.
 UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE
 THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THIS DEBT IS
 VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS NOTICE
 THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL OBTAIN
 VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGMENT AND MAIL YOU A COPY OF SUCH
 JUDGMENT OR VERIFICATION. IF YOU REQUEST THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER
 RECEIVING THIS NOTICE, THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE
 ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

PLEASE DETACH AND RETURN BOTTOM PORTION WITH YOUR PAYMENT

INQUIRIES TO:

ST MARGARET MERCY
 PROCESSING CENTER
 PO BOX 1179
 HAMMOND, IN 46325



30724-Q462

PAGE: 1 of 1

Please check box if below address is incorrect or insurance information has
 changed, and indicate change(s) on reverse side.
 Favor de marcar el cuadro si la dirección de abajo está incorrecta o la
 información a cambiado e indique los cambios en el lado opuesto de la hoja.

IF PAYING BY MASTERCARD, VISA OR OTHER CREDIT CARD, FILL OUT BELOW.		
CHECK CARD USING FOR PAYMENT		
<input type="checkbox"/>	<input type="checkbox"/>	MASTERCARD
<input type="checkbox"/>	<input type="checkbox"/>	VISA
CARD NUMBER		SIGNATURE CODE
SIGNATURE		EXP. DATE
DATE OF SERVICE	BALANCE	ACCT. #
04/25/09	\$376.55	0209069872
PATIENT		AMOUNT ENCLOSED
Jacob L Fassoth		\$
623139 30724-Q462-TQW0LOX7X000100		

0101

JACOB L FASSOTH
 25100 WESTERN AVE
 PARK FOREST, IL 60466-3408

020209069872000376555

ST MARGARET MERCY
 37621 EAGLE WAY
 CHICAGO, IL 60678-0001